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**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney's Docket No.:
BAL6019P0331US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450"

On December 16, 2003

Signature

Typed or

Printed name

Barbara Towns

In Re Application Of: Blair Winner

Serial Number:

09/922,139

Filed:

August 3, 2001

For: Marigold Hybrid 50011

Group Art Unit:

1661

Examiner:

A. Para

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Applicant hereby appeals to the Board of Appeals and Interferences from the decision of the Examiner dated September 23, 2003, rejecting claims 17, 18, 22, 23, 25-35.

The item(s) checked below are appropriate.


1. ☐ Applicant claims small entity status. (See 37 CFR 1.27.)
☐ A Statement Claiming Small Entity Status is enclosed.
2. ☐ Appeal fee (37 CFR 1.17(b))
☒ Large Entity - \$330.00 ☐ Small Entity - \$165.00
3. ☐ A petition and fee for an extension of time for reply to the rejection is enclosed.
☐ Large Entity
☐ \$110.00 ☐ \$420.00 ☐ \$950.00 ☐ \$1,480.00
☐ Small Entity
☐ \$55.00 ☐ \$210.00 ☐ \$475.00 ☐ \$740.00
4. ☒ A check for the amount of \$330.00 is enclosed.
5. ☐ Please charge the fee(s) to Deposit Account Number 23-0785. A duplicate copy of this sheet is attached.
6. ☒ Please charge any additional fee(s), or credit any overpayment, to Deposit Account Number 23-0785. A duplicate copy of this sheet is enclosed.

I am: ☐ applicant.
☐ assignee of record of the entire interest.
☒ attorney or agent of record
☐ attorney or agent acting under 37 C.F.R. 1.34(a).

12/22/2003 MDANTE1 00000120 09922139

01 FC:1401

330.00 OP


Lisa V. Mueller, Reg. No. 38,978

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